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3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

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6 YUICHI MIYAYAMA, an individual,

Case No. 2:20-cv-01683-GMN-DJA

7 Plaintiff,

ORDER

8 v.

9 STEVEN H. BURKE, et al.,

10 Defendants.

11 This matter is before the Court on Plaintiff's Motion for Leave to Amend Complaint (ECF  
12 No. 30), filed on July 2, 2021. Any response by Defendants was due by July 16, 2021. No  
13 response has been filed to date. Accordingly, Defendants' failure to file points and authorities in  
14 response to the Motion "constitutes a consent to the granting of the motion." Local Rule 7-2(d).  
15 Further, Plaintiff indicates that he has served his notice of non-opposition (ECF No. 31) on  
16 Defendants.

17 Rule 15(a)(2) of the Federal Rules of Civil Procedure, regarding the amendment of  
18 pleadings, directs that "[t]he court should freely give leave when justice so requires." The Ninth  
19 Circuit Court of Appeals has repeatedly cautioned courts in this circuit to "liberally allow a party  
20 to amend its pleading." *Sonoma Cnty. Ass'n of Ret. Emps. v. Sonoma Cnty.*, 708 F.3d 1109, 1117  
21 (9th Cir. 2013). "Courts may decline to grant leave to amend only if there is strong evidence of  
22 'undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure  
23 deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue  
24 of allowance of the amendment, or futility of amendment, etc.'" *Id.* at 1117 (quoting *Foman v.*  
25 *Davis*, 371 U.S. 178, 182 (1962)).

26 Here, Plaintiff represents that the amended complaint replaces a deceased defendant with  
27 the executor of the deceased's estate, that Plaintiff has learned additional facts about Defendants,  
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1 and that Plaintiff learned of additional defendants. Plaintiff seeks to amend the complaint to  
2 include these facts and defendants. The Court has reviewed the Motion and finds good cause to  
3 permit the amendment.

4 IT IS THEREFORE ORDERED that Plaintiff's Motion for Leave to Amend Complaint  
5 (ECF No. 30) is **granted**.

6 IT IS FURTHER ORDERED that Plaintiff shall file and serve the amended complaint  
7 (ECF No. 30-1) in accordance with Local Rule 15-1.

8 DATED: August 2, 2021.



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DANIEL J. ALBREGTS  
UNITED STATES MAGISTRATE JUDGE